

# **3 FAM 2280**

## **SUPERIOR QUALIFICATIONS APPOINTMENT**

*(CT:PER-671; 04-26-2012)  
(Office of Origin: HR/CSHRM)*

### **3 FAM 2281 AUTHORITY**

*(CT:PER-671; 04-26-2012)  
(State Only)  
(Applies to Civil Service Employees Only)*

The authorities cited for this subchapter are:

- (1) 5 U.S.C. 5333; and
- (2) *5 CFR 531.212*.

### **3 FAM 2282 POLICY**

*(TL:PER-461; 01-07-2003)  
(State Only)  
(Applies to Civil Service Employees Only)*

It is the Department's policy to appoint individuals to General Schedule (GS) positions above Step 1 of the grade based on the unique or superior qualifications and existing pay, or a special need for the individual's service. Use of the superior qualification appointment authority is not to solely match existing pay but to enable the Department to compete for top quality candidates. These types of appointments are exceptional situations.

### **3 FAM 2283 DEFINITIONS**

*(CT:PER-671; 04-26-2012)  
(State Only)  
(Applies to Civil Service Employees Only)*

In addition to the definitions found in 5 CFR 531.203, the terms used in this subchapter have the following meanings:

- (1) Superior *qualifications*: The individual brings unusually high, unique or superior qualifications, particularly suited to the position in comparison with other qualified individuals. In addition, the individual would be losing salary and/or benefits if employed at the first step of the grade; *and*

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(2) Special *needs*: A documented need of the Department for a specific set of skills and/or expertise and recruitment has met with limited success. An individual who is singularly suited to a unique Departmental function; one who has special though not necessarily superior qualifications that meets the need of a position or a documented area of chronic labor shortage.

## **3 FAM 2284 ELIGIBILITY**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Superior qualifications appointments are made at a rate above the minimum rate of the appropriate General Schedule (*GS*) grade under authority of 5 U.S.C. 5333. To be eligible for superior qualifications appointments (*see 5 CFR 531.212*):
  - (1) Individuals must be newly appointed or reappointed after a break in service of at least 90 days from their last Federal appointment;
  - (2) It must be determined that the individual's current and prior appointments, if any, do not preclude use of the superior qualifications provision;
  - (3) Individuals must have unique skills or qualifications that are above other individuals in the same category. There must also be a forfeiture of income that would justify an increase in salary above step one of the grade being considered for; and
  - (4) Individuals must have a unique combination of education and experience that meets a special need of the Department.
- b. Generally, this authority will not be used unless the higher rate is needed to match the current pay of the individual as determined and/or adjusted using appropriate criteria. Justifications under *5 CFR 531.212* must be provided and documented to set pay a rate higher than needed to match existing pay.

## **3 FAM 2285 CRITERIA**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. In documenting superior qualifications appointments, the written justification must address such factors as:
  - (1) The relevance of the individual's experience and education to the particular work to be performed;
  - (2) The quality of the individual's expertise, education, and training compared to others in the field of consideration;

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- (3) The extent to which the individual possesses the knowledge, skills, and competencies that otherwise are scarce for a position or a particular project;
- (4) The success of recent efforts to recruit qualified candidates for similar positions (including indicators such as offer and/or acceptance rates, the proportion of such positions filled, and the length of time required to fill similar positions);
- (5) Recent turnover in similar positions;
- (6) Labor market factors that affect the ability of the Department to recruit qualified internal or external candidates for similar positions, now or in the future (may include such factors as salary ranges or comparable positions, scarcity of skills, emerging technology, etc.);
- (7) Special or unique qualifications needed for the position;
- (8) The urgency of filling the position in question; and
- (9) Other special or unique needs for the individual's service.

b. Pay determinations will be made in accordance with this subchapter and *5 CFR 531.212*. Each appointment will be consistent with other like cases for which a final determination has been made. The basis for the pay determination will be based upon:

- (1) Comparison of the individual's existing compensation package (e.g., salary, bonuses, consulting pay, and benefits) with the Federal salary and benefits to be offered;
- (2) If applicable, rationale for setting the pay at a higher rate than that needed to match existing pay; and
- (3) The reasons for authorizing an advanced rate of pay instead of or in addition to a recruitment bonus as provided in 5 CFR 575.

## **3 FAM 2286 RECORDKEEPING AND REPORTING**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. To ensure compliance with *5 CFR 531.212* and the Department's ability to reconstruct superior qualifications determinations, copies of all documentation included with the recommendation must be maintained in accordance with U.S. Department of State, Records Disposition Schedule, Chapter 04, Personnel Records, Applicant Files located at HR/EX, Records and Information Management Division's *Web site*.
- b. In addition, the information below must be maintained by the designated approving official for a period of *2* years or until completion of an Office of

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Personnel Management (OPM) inspection, whichever is earlier:

- (1) The written justification;
- (2) A copy of the Certificate of Eligible Applicants and/or copies of the pool of applications or *resumés*;
- (3) All supporting documentation including a copy of the individual's application or *resumé* and evidence of forfeited income; and
- (4) A copy of the Superior Qualifications Appointment Checklist with the required signatures of approval.

## **3 FAM 2287 RESPONSIBILITIES**

### **3 FAM 2287.1 Director General of the Foreign Service and Director of Human Resources (DGHR)**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The Director General of the Foreign Service and Director of Human Resources (DGHR) has oversight and managerial responsibility for the following:

- (1) Superior qualifications appointments;
- (2) Ensuring that the Department's use of superior qualifications appointments conforms to the requirements established in *5 CFR 531.212*; and
- (3) 3 FAM 2280, Superior Qualifications Appointments.

### **3 FAM 2287.2 Recommending Official**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The supervisor or manager making the selection is the recommending official and is responsible for doing the following:

- (1) Preparing the written recommendation with appropriate supporting documentation, justifying the request for a superior qualifications appointment; and
- (2) Submitting the request for superior *qualifications* appointment to the bureau's *executive director* for review once a selection is made.

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## **3 FAM 2287.3 Executive Directors**

*(CT:PER-671; 04-26-2012)*

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Executive directors, or the equivalent level position, have overall administrative responsibility for the following:

- (1) Review and ensure that the bureau's use of the superior qualifications appointment authority conforms to the requirements established in this subchapter and *5 CFR 531.212*;
- (2) Forwarding all requests to *the Office of Civil Service Human Resource Management* (HR/CSHRM) for approval unless otherwise delegated specific authority to approve superior qualifications appointments. Authority to approve superior *qualifications* appointments must be requested in writing through HR/CSHRM to DGHR.
- (3) Complete, sign, and date Form DS-4031, Superior Qualifications Appointments Checklist and Approval, *available on the Office of Directives Management Web site* and prepare a memorandum of recommendation for the approving official's signature.

## **3 FAM 2287.4 Office of Civil Service Human Resource Management (HR/CSHRM)**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The *primary responsibility of the Director of the Office of Civil Service Human Resource Management (HR/CSHRM) is to assist* the Director General of the Foreign Service and Director of Human Resources in managing and conducting oversight of superior qualifications appointments. In carrying out these responsibilities, HR/CSHRM *must*:

- (1) Review and approve superior qualifications appointments;
- (2) Ensure compliance with the requirements established under 5 CFR 531.203 and this subchapter;
- (3) Prepare reports for oversight purposes;
- (4) Review and implement policy changes; and
- (5) Develop and issue guidance.

## **3 FAM 2288 APPROVAL AUTHORITY**

*(CT:PER-671; 04-26-2012)*

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*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The Director General and Director of Human Resources or designee approves superior *qualifications* appointments unless an exception has been approved in writing by *DGHR*.
- b. When an exception has been approved by *DGHR*, superior *qualifications* appointments must be approved by an official who is at a minimum or equivalent to the level of the *executive director*.

## **3 FAM 2289 PROCEDURES**

*(CT:PER-671; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Requests must be submitted in accordance with the *Office of Civil Service Human Resource Management (HR/CSHRM) customer service time frames* prior to the proposed effective date of the appointment. Superior qualifications appointments may not be approved after the individual enters on duty.
- b. The recommending official *must* prepare the written justification for a superior qualifications appointment in accordance with the provisions of *3 FAM 2280*, and *5 CFR 531.212*.
- c. The request and supporting documentation will be forwarded to the bureau's *executive* director or other bureau approving official for review, and must include the following:
  - (1) The justification memorandum;
  - (2) The position description;
  - (3) The application or *résumé* of the individual and a copy of the *Office of Personnel Management (OPM) certificate*; and
  - (4) Documentation that supports claims of existing salary, bona fide employment offers, and any other information on the income considerations or qualifications for the selected candidate.
- d. Bureaus who have not been delegated the authority to approve superior qualifications appointments must forward approved requests to HR/CSHRM for review and approval.
- e. The Human Resources Specialist in HR/CSHRM and in bureaus delegated approving authority will do the following:
  - (1) Evaluate each request against relevant statutory regulations and policy guidance to ascertain whether it meets established criteria and make an initial determination whether the justification and supporting documentation submitted contain sufficient justification for a superior

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qualifications appointment;

- (2) Forward the request along with supporting documentation to the designated approving official for final review and decision;
- (3) Upon approval, inform the requesting bureau and ensure processing of the Form SF-52, Request for Personnel Action, in accordance with the Office of Personnel Management's Guide for Processing Personnel Actions, Chapter 4, Table 4C; and
- (4) Maintain a record of the superior qualifications appointments in a separate file within the office in accordance with 3 FAM 2280.